

The HIPAA Privacy Rule and the Child Death Review Program

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Disclosures for Public Health Under HIPAA: The HIPAA Privacy rule recognizes the legitimate need for public health authorities and others responsible for assuring public health and safety to have access to protected health information to carry out their public health mission. As stated under the Privacy Rule of HIPAA, a covered entity may disclose protected health information without authorization from the individual to “a protected health authority that is authorized by law to collect or receive such information for the purpose of prevention or controlling disease, injury or disability, including but not limited to the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions.” (Section 164.512(b)(1)(i)). Additionally, disclosure may be made to “a public health authority or other appropriate government authority authorized to receive reports of child abuse and neglect.” A public health authority is defined as federal, tribal, state, or local public agency, or person or entity acting under a grant of authority from such public agency that is responsible for public health matters.

Child Death Review and HIPAA: Child Death Review (CDR) is a public health program administered by Washington’s public health agency, the Department of Health (DOH) through local health jurisdiction-based review teams. RCW 70.05.170 authorizes teams based in local health jurisdictions to perform CDR and provides for the publication of statistical compilations and reports related to the team’s review so long as the summaries or reports do not identify the individual cases or sources of information. Disclosures to CDR teams that are acting under the auspices of a public health agency are permissible under HIPAA.

CDR’s Information Sharing Policy: Although the HIPAA Privacy Rule does not directly apply to CDR, DOH is prohibited from disclosing identifiable data from the CDR database under RCW 70.05.170. CDR data are submitted to DOH and maintained in a confidential database, per RCW 43.70.050, which authorizes the collection, utilization, and accessibility of health-related data, by the secretary of health. Data submitted to the state are treated as confidential and are reported in aggregate form only and for public health purposes.

References:

The following resources are provided for your convenience.

- HIPAA Fact Sheet on DOH Website: <http://www.doh.wa.gov/OS/HIPAA/default.htm>
- HIPAA Privacy Rule and Public Health Guidance from CDC and the U.S. Department of Health and Human Services <http://www.cdc.gov/mmwr/pdf/other/m2e411.pdf>
- National Clearinghouse for CDR HIPAA website: <http://www.childdeathreview.org/hipaa.htm>
- “The Fetal and Infant Mortality Review Process: The HIPAA Privacy Regulations.” The National Fetal and Infant Mortality Review Program, the American College of Obstetrics and Gynecology, 2003.

Please note: *This document is not intended to provide legal advice, and you are encouraged to seek your own counsel regarding HIPAA. Document available at: <http://www.doh.wa.gov/cfh/mch/cahpc/cdr.htm>*

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